

111TH CONGRESS
2D SESSION**S.** 3497

To amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN of Massachusetts (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Oil Spill Prevention
5 and Mitigation Improvement Act of 2010".

1 **SEC. 2. RESPONSE PLANS.**

2 Section 8 of the Outer Continental Shelf Lands Act
3 (43 U.S.C. 1337) is amended by adding at the end the
4 following:

5 “(q) RESPONSE PLANS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of this Act, in the case of each lease issued
8 or renewed after the date of enactment of this sub-
9 section, the Secretary shall require the incorporation
10 into the lease of a peer-reviewed response plan that
11 describes the means and timeline for containment
12 and termination of an ongoing discharge of oil
13 (other than a *de minimis* discharge, as determined
14 by the Secretary) at the depth at which the explo-
15 ration, development, or production authorized under
16 the lease is to take place.

17 “(2) TECHNOLOGICAL FEASIBILITY.—Before
18 determining whether to issue a new lease under
19 paragraph (1), the Secretary shall certify the techno-
20 logical feasibility of methods proposed to be used
21 under a response plan described in that paragraph,
22 as demonstrated by the potential lessee through sim-
23 ulation, demonstration, or other means.”.

1 **SEC. 3. PUBLIC/PRIVATE TASK FORCE ON OIL SPILL RE-**
2 **SPONSE AND MITIGATION.**

3 (a) IN GENERAL.—The Secretary of Energy, acting
4 through the Office of Science of the Department of En-
5 ergy, shall use available funds in the Ultra-Deepwater and
6 Unconventional Natural Gas and Other Petroleum Re-
7 search Fund established under section 999H of the En-
8 ergy Policy Act of 2005 (42 U.S.C. 16378), and such
9 other funds as are necessary, to conduct a study, in col-
10 laboration with the Office of Fossil Energy of the Depart-
11 ment, on means of improving prevention methodologies
12 and technological responses to oil spills and mitigating the
13 effects of oil spills on natural habitat.

14 (b) TASK FORCE.—As part of the study required
15 under this section, the Secretary shall convene a task force
16 composed of representatives of the private sector, institu-
17 tions of higher education, and the National Academy of
18 Sciences—

19 (1) to assess the prevention methodologies and
20 technological response to the blowout and explosion
21 of the mobile offshore drilling unit *Deepwater Hori-*
22 *zon* that occurred on April 20, 2010, and resulting
23 hydrocarbon releases into the environment;

24 (2) to assess the adequacy of existing tech-
25 nologies for prevention and responses to deep water
26 oil spills; and

1 (3) to recommend means of improving preven-
2 tion methodologies and technological responses to fu-
3 ture oil spills (including drilling relief wells) and
4 mitigating the effects of the oil spills on natural
5 habitat.

6 (c) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, the Secretary shall submit to
8 Congress, the President, the Secretary of Homeland Secu-
9 rity, the Administrator of the Environmental Protection
10 Agency, the Secretary of the Interior, and the Secretary
11 of Defense a report that describes the results of the study
12 conducted under this section, including a recommended
13 standard for technological best practices for prevention of
14 and responses to oil spills, practice drills for emergency
15 responses, and any other recommendations.

16 **SEC. 4. STUDY ON FEDERAL RESPONSE TO OIL SPILLS.**

17 (a) IN GENERAL.—The Comptroller General of the
18 United States shall conduct a study of existing capabilities
19 and legal authorities of the Federal Government to pre-
20 vent and respond to oil spills.

21 (b) DEEPWATER HORIZON INCIDENT.—As part of
22 the study required under this section, the Comptroller
23 General of the United States shall assess the extent to
24 which the capabilities and authorities described in sub-
25 section (a) have been fully used in the response to the

1 blowout and explosion of the mobile offshore drilling unit
2 *Deepwater Horizon* that occurred on April 20, 2010, and
3 resulting hydrocarbon releases into the environment.

4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall submit to Congress a report that de-
7 scribes the results of the study conducted under this sec-
8 tion, including any recommendations.

